

REMARKS

Claims 1-19 are pending and rejected in this application. Claims 1, 11, 13, 16 and 17 are amended hereby.

Responsive to the Examiner's rejection of claim 11 under 35 U.S.C. § 112, second paragraph, Applicants have struck the word "both" to remove the indefiniteness pointed out by the Examiner. Accordingly, Applicants submit that the claim 11 is now in allowable form.

Responsive to the rejection of claims 1, 3, 4, 6-11, 13-17 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,734,853 (Hendricks et al.), Applicants have amended claims 1, 13 and 16, and submit that claims 1, 3, 4, 6-11, 13-17 and 19 are now in condition for allowance.

Hendricks et al. disclose a set top terminal for cable television delivery systems (Figs. 1, 2, 9a, 9b, 9c, 20a, 20b and 29f) including a delivery system 200 having a reception region 207 with an in-home decompression capability. A signal is decompressed and the decompressed video signals are converted into analog signals for television display. Terminal 220 overlays or combines different signals to form a desired display on a subscribers television. Graphics on video or picture on picture are examples of such a display (column 7, lines 6-25). Live video signals may be used in windows of menus. Video for menus, promos or demos may be sent to terminal 220 in several formats. A number of short promos or demo video are sent using a split screen technique (column 18, line 53 through column 19, line 5). Program overlay menus 1390 are used during a program. However, program overlay menus 1390 are overlaid onto portions of the television screen and are not hidden. Information may be placed on portions of the television screen. Most overlays cover small portions of the screen, allowing a subscriber to continue to comfortably view the program selection (column 26, lines 30-39). An overlay menu 1392 may be

placed upon the screen when there are five minutes of movie until the escape time has expired. Once the time has expired, the subscriber is billed for the movie selection. The strip menu 1242 in lower sash 1244 of Fig. 20b allows the subscriber to resume full screen viewing of a movie (column 37, lines 22-40). Manipulation of a video signal includes the ability to scale down the size of the video screen and redirect the video to a portion of a menu screen, which is within a video window of the menu (column 46, lines 38-41). The terminal uses scaling and positioning techniques to produce picture in picture displays. Additional circuitry may be required in terminal 220 to perform adequate scaling and repositioning of a displayed image (column 47, lines 19-23). Terminal 220 receives compressed program and control signals from cable head end 208. After terminal 220 receives the individually compressed program and control signals, the signals are demultiplexed, decompressed, converted to analog signals and either placed in local storage, executed immediately or sent directly to a television screen (column 11, lines 39-49).

In contrast claim 1, as amended, recites in part:

pseudo-randomly changing the advertising message independently of the displayed program information.

(Emphases added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of the screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. In contrast, Applicants' invention displays an advertising message independent of operator input and independently of information from the displayed program. Therefore, Hendricks et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly changing

the advertising message independently of the displayed program information, as recited in claim 1.

An advantage of Applicants' invention is that an advertising message is independently driven apart from any operator or program information input. This advantageously allows advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewers attention to the advertisement. For the foregoing reasons, Applicants submit that claim 1, and claims 3, 4 and 6-11 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 13, as amended, recites in part:

pseudo-randomly introducing the locally stored information into the video signal to occupy the freed-up region.

(Emphases added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of the screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. In contrast, Applicants' invention displays an advertising message independent of operator input and independently of information from the displayed program. Therefore, Hendricks et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly introducing the locally stored information into the video signal to occupy the freed-up region, as recited in claim 13.

An advantage of Applicants' invention is that an advertising message is independently driven apart from any operator or program information input. This advantageously allows

advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewer's attention to the advertisement. For the foregoing reasons, Applicants submit that claim 13, and claims 14 and 15 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In still further contrast, claim 16, as amended, recites in part:

pseudo-randomly changing the advertising message independently of the displayed program information.

(Emphases added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of the screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. In contrast, Applicants' invention displays an advertising message independent of operator input and independently of information from the displayed program. Therefore, Hendricks et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly changing the advertising message independently of the displayed program information, as recited in claim 16.

An advantage of Applicants' invention is that an advertising message is independently driven apart from any operator or program information input. This advantageously allows advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewer's attention to the advertisement. For the foregoing reasons, Applicants submit that claim 16, and claims 17 and 19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

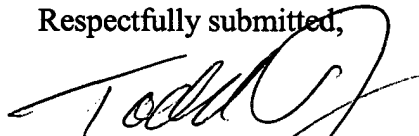
Claims 2, 5, 12 and 18 have been rejected under 35 U.S.C. § 103(a) as being obvious over Hendricks et al. However, claims 2, 5 and 12 depend from claim 1, and claim 18 depends from claim 16, and claims 1 and 16 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 2, 5, 12 and 18 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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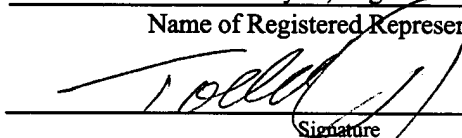
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: November 12, 2004.

Todd T. Taylor, Reg. No. 36,945

Name of Registered Representative



Signature

November 12, 2004

Date